

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20286 of 2006

Dated:09.02.2007

Between
T.Krishna Reddy

.....Petitioner

and

1.Dr.B.R.Ambedkar Open University
rep., by its Registrar and another.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20286 of 2006

ORDER:

This writ petition is filed seeking a Mandamus to declare the proceedings No.290/Estt/Admn.I/2006-07 dated 18.7.2006 issued by the 1st respondent and consequential notice-cum-charge sheet in proceedings dated 28.7.2006 issued by the 2nd respondent as arbitrary and illegal.

It appears that the petitioner is working as Superintendent in the 1st respondent-University. While so, he was transferred to Old Records Section of

Students Service Branch in April 2001. Prior to the said transfer, he was working in the Examination Branch. The Old Records Section deals with issuance of Transfer Certificates, re-admission of old students who could not complete their studies within time. As on the date of joining in the Old Records Section, there was lot of work pending and on 10.10.2001, the petitioner along with other staff members addressed a letter to the Director of Students Services stating that the Old Records Section has to maintain the records of nearly five lakhs students, besides issuance of TCs and other allotted works. Therefore, requested to provide additional supervising staff. While so, the petitioner was suspended from the services of the University by an order dated 18.7.2006 pending disciplinary proceedings. Further, he was also issued a charge sheet dated 28.7.2006. Aggrieved by the same, the present writ petition is filed.

Learned counsel for the petitioner states that there is no necessity of suspending the petitioner from service during pendency of a detailed enquiry into the allegations made against him. The very charge sheet issued on 28.7.2006 does not indicate any specific allegation against the petitioner. Apart from this, the petitioner applied for furnishing preliminary enquiry report as well as other documents required for the purpose of defending his case, but those documents were not furnished.

A detailed counter-affidavit has been filed denying the allegations made by the petitioner.

There is no necessity to go into all the details.

A perusal of the charge sheet, does not reveal any specific allegation against the petitioner, except stating that as per the Accounting and Administrative Manual, Superintendent is responsible for the transactions that take place in the concerned section and it is noticed that the petitioner had neither signed in the concerned ledger nor instructed his subordinates to put their signatures whenever an entry is made. Except this, no other details are available. I am of the opinion that the charges framed against the petitioner are not specific, therefore, if any action is taken on the basis of the said charges without furnishing the documents as required by the petitioner, it may not be possible for him to submit his explanation. Therefore, I deem it appropriate to set aside the impugned order dated 28.7.2006.

Accordingly, the writ petition is allowed and the impugned order dated 28.7.2006 is set aside. Further, the 2nd respondent is directed to issue a fresh

charge sheet framing specific charges as per Rule 9 (3) of the Conduct Rules of the University and call for an explanation from the petitioner. Meanwhile, the respondents shall also reconsider the suspension of the petitioner from service since six months period has been elapsed without conducting enquiry and pass appropriate orders as per law. The petitioner is also at liberty to file an application seeking documents if any necessary as per law. On filing such application, the respondents shall furnish all the documents, which are permissible under the rules. After furnishing all the documents, enquiry may be proceeded with.

09-02-2007

rkk